



DATO' SHYAMALA ALAGENDRA

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[Dato' Shyamala Alagendra](#) is a Malaysian lawyer with 21 years' experience. She is presently the Assistant Director of Public Prosecutions of Fiji. She served as a Prosecution lawyer at the Special Panel for Serious Crimes (Timor Leste), Special Court for Sierra Leone (Sierra Leone), and at International Criminal Court. She acted as Defence Counsel at the Special Tribunal for Lebanon, EULEX Court (Kosovo) and at the ICC (in both Kenya cases and for Saif Al-Islam Gadafi). She also represents victims of human rights violations and sexual abuse in several jurisdictions in Africa and Asia. In 2018, Shyamala was selected as one of the [150 Leading Women](#) by the University of London during the 150th Anniversary of women gaining access to university education in Britain. She is also listed as one of the [Inspirational Figures](#) amongst Notable Students of the University of London

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What drew you to working in international law? And what were your first steps?



Saraswathy Devi, was one of the first Malaysian women lawyers to be called by Middle Temple in London and to return home to practice. She is now 82 years old and still a practising lawyer. A past President of [FIDA](#), she still dons her robes every week and goes into court and argues death row cases, represents numerous embassies, in an astonishingly wide-ranging practice working out of Kuala Lumpur. She is, perhaps, the most senior women lawyer in terms of call on the ICC list of counsel. She had a profound effect on me as a child. The role of law was further underlined by my father, Tan Sri P. Alagendra's career in the police force. He was the first Malaysian to win the baton of honour at Hendon Police Academy in the UK and he ended up as Commissioner of Police in Malaysia. Dinner table conversations were never boring! What united both of them was a belief in integrity, duty, and a rules-based system of governance, underpinned by personal ethics and a commitment to the law and goodness to human beings. So, it was understandable perhaps that I gravitated towards the law at the age of 15 and graduated when I was 19 years old. I worked with my mother on cases in Malaysia, India, Singapore, and Indonesia. I was exposed to international practice, even if at this stage I was not applying international law, but the national law of various foreign jurisdictions in Asia.

The move to international law also involved a "push". I have never really spoken about this, but as an Asian female lawyer, who was practising in Asia and not in Europe, there are some unique realities that other colleagues, also from traditional societies or cultures, may understand. It is this thought that has persuaded me to be open about this, even though I appreciate that some readers may find my answers somewhat alien. Be



One incident, which pushed me to search out new pastures beyond Malaysia, was this: I had drafted a well-researched brief in a contractual dispute in which I was acting. I went to court in Kuala Lumpur, made oral arguments, and was up against a well-known senior lawyer. I was 23 years old at the time and proud of my work. On the decision day, the courtroom was packed because it was the first case called that morning. Sure enough, the judge entered judgement in my client's favour. My excitement at what seemed a big victory to me didn't last very long. At the end of the judgement the Judge very kindly asked after my parents and conveyed his regards to them. I felt deflated. As I left the packed courtroom, I felt that the quality of my work and the merits of my submissions were being subsumed. I was certain all present, least of all my opponent, viewed my victory as underserved. The sense that my own identity was being subsumed and that I had no control of it pushed me to look to international law – or at least law outside Malaysia. I was curious if I could make it as a lawyer on my own and be respected where my parents were not known. It was probably at the moment that I left that courtroom, that day in Kuala Lumpur, that I resolved to leave domestic practice. This was certainly my motivation to interview for and accept the position at the United Nations Serious Crimes in East Timor, without my parents knowing. At the age of 24, I was appointed as an International Prosecutor in the Serious Crimes Unit in East Timor. Determination – as well as a good dollop of good fortune - were certainly two factors that led to my first baby steps towards a career in international law.

Four and a half years later, I applied for and was appointed as a Prosecution Trial Attorney at the Special Court for Sierra Leone where I



private practice and acted as counsel in several cases domestically as well as internationally. My first international case as a defence lawyer was acting in the Defence team for Fatmir Limaj (currently the Deputy Prime Minister of Kosovo) before the EULEX Court in two war crimes cases and one corruption case. I was subsequently appointed as co-counsel at the ICC for Ambassador Francis Muthaura and Deputy President William Ruto of Kenya. I was also appointed as co-Counsel and subsequently Lead Counsel for Dr. Saif Al-Islam Gadafi. At the Special Tribunal for Lebanon, I was co-Counsel for Al-Jadeed Television and the journalist, Karma Khayat.

I have taken up pro-bono work representing survivors of [human rights violations by Nigerian troops](#) and of historical sexual abuse by foreign clergy in Sierra Leone; street children who were victims of rape in Kenya; victims from the Kipsigis and Talai communities in Kenya for colonial human rights violations; and individual victims in the Philippines for human rights abuses. I am presently an Assistant Director of Public Prosecutions in Fiji.

What have been the high points of your career thus far?

Certainly the successful outcomes in the cases I served on remain very meaningful to me both professionally and personally: from the [Lolotoe case](#) (the first case in East Timor where rape was charged as a crime against humanity), to the convictions of all the Accused in SCSL, and the ICC indictments in the Darfur cases were all high points as a prosecuting trial lawyer, whilst the acquittals of [Fatmir Limaj](#) in two war crimes cases and one corruption trial before EULEX courts in Kosovo, the



I felt as elated in my pro bono work when a mother and her twins born as a result of her rape by an American Xavierian Priest when she was 12 years old in Sierra Leone were compensated, and when I was able to bring a claim on behalf of survivors of violence by Nigerian soldiers in Sierra Leone. (This case has been featured in the documentary "[Peacekillers](#)").

But – perhaps because it is recent – a high point which is “current” is something that happened just a few days ago. It seared into my consciousness the power of the law and the injustice and cruelty that it must confront. I witnessed two women speak out in the sentencing hearing of their biological father, after they had been subjected to years of abuse in [one of the worst cases of sexual abuse](#) to ever come before the Courts of Fiji. Standing next to them, I witnessed the law cloak these women with the dignity, respect and courage they never had. I acutely felt the honour of being a lawyer, that day. This incident comes to mind because I am convinced that we never cease to feel the sense of responsibility that we have been entrusted with by virtue of our profession. Whether as prosecutor, defence counsel or victims counsel, we have the distinct privilege of being part of a profession which is far more than just a job. It is one of those professions where our careers and purpose can so easily be aligned.

It would be incomplete and inaccurate, to confine the high points as simply being moments in the court room or on the job. The high points of a career in international law go beyond the cases themselves. Amongst the most cherished “highs” of my career as an international lawyer are certainly the people I encountered and the experiences that flowed from



that so many have endured and the struggles they have overcome, it is incredibly humbling and fills me with awe. Also, what unites us and bonds us together is as similar as it is different in so many ways. However expressed, love of family and a desire to have a worthwhile life and make a difference are universal concepts.

I could go on and on and speak for ages about this, but suffice it to say that the energy, richness of culture and huge heartedness that I have experienced in the course of the practice of international law is something for which I am grateful beyond words and which keeps my career in the law something I am so ever grateful for. Due to the purpose I have found in being a lawyer for almost 21 years and all the experiences that my journey in the law has brought me, I can tell you – hand on heart – it feels like I have not worked a day in my life!

What are some of the challenges that you faced coming up in your career?

As I was leaving home when I was 24, I was warned that I was heading into a world that was “unkind to brown-skinned young girls” and that I would face the realities of discrimination and harassment, and not have the support and safety I did at home.

My personal experience is that I received a remarkably kind welcome into this area of practice. Given the stories I have heard, it was my good fortune to work with men (and in the early stages of my career, it was mostly men) who created a safe and respectful environment for me to work and to flourish as an international lawyer. Despite being a junior lawyer, I was respected and had an equal voice at the table. I was



prosecutor in Team 3 Timor, Senior Trial Lawyer ICC - now Lead Prosecutor TRRC Gambia). This remains my experience until this day, when, as Assistant Director of Public Prosecutions, I am the only female lawyer in Senior Management at the Office of the Director of Public Prosecutions of Fiji.

But I realise that there is another reality as well. I have witnessed bullying, harassment and disrespect. Some instances have been particularly unkind. It's ironic that it is in institutions that stand for the protection of human dignity and respect, that I have seen unfairness, disrespect, and discrimination of appalling sorts. I have seen both men and women disrespected. I have seen women "perpetrating" harassment and bullying of other women. There have been instances when I have found that speaking in uncompromising terms against bullying and mistreatment of others is empowering for those being mistreated and can change the entire atmosphere. I found that being willing to take up unfairness in our own environments (not just in our cases) is necessary. Sometimes behaviour may be changed with a policy, but very often it is with giving time and caring for a problem which does not affect you directly that goes the distance. On one occasion, I witnessed a senior international lawyer berate a local lawyer – both males. I deliberately didn't intervene at the time. I took the local lawyer aside and told him I was sorry he was spoken to in that way and that I could have spoken out on his behalf, but that would have further diminished the person I knew him to be. In short, we agreed the tone and content and he addressed his colleague and he received his well-deserved apology. Knowing when to intervene directly - and when to support from behind is also important.

Having an open debate colleagues can lead to extremely rewarding



Something else I would like to share in this forum– one of the “challenges” I faced was this: I sometimes questioned whether the work I was doing at the international courts was really helping individual survivors/victims. This was something I often had to face when I was trying to explain to/convince survivors that they would receive bounds of justice by testifying against a head of state of a neighbouring country they had never seen in their lives, in a court that would never try their direct perpetrators. I was basically confirming that those who had raped and beheaded their children and amputated their limbs would not face the wrath of the law. How I have tackled this? I haven't. It is still an aspect of international justice that unsettles me. There was one instance when I maybe have tried to tackle this kind of challenge and you may see that in “Peacekillers”. It's an instance when I decided to take up the cause myself. I can't predict what the outcome will be in that litigation, but I do find solace in what Gibrilla's mother said to Karim ([Karim Khan QC](#)) and me when I told her I cannot promise a victory: *“at least you gave us the respect and tried on our behalf”*.

Do you have any advice for people, particularly women, hoping to work in international law in the future?

Work hard, prepare well, and take your opportunities. If your work is relevant and adds value, you can become invaluable and senior counsel may give you increasingly challenging and more important work. Eventually, they will want you to work with them in other cases. The dynamic is so different when that happens, and it is so wonderful when you are asked to be involved or work in cases because of what you have proved you can contribute. These international law cases can frequently

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they were offered employment and continued to be appointed in several cases I have worked on. Their value to Lead Counsel and to the team was beyond their cleverness – it was their constant hard work, their integrity, and that they were good to each other and to everyone on the legal team.

Don't overthink your career. At the same time, I also firmly believe that not everything should be coldly calculated with a view to how one appears or how it will help one make the next career move. Rather, if our work in international law is approached as something that we are truly fortunate to be involved in, then the work itself will be rewarding.

Take care of your team. The way of doing work is often as important to the team dynamic as the work actually done. I have seen teams which were toxic and driven with mistrust transform into cohesive and friendly units. The advice I also suggest is that each of us should consider that we can be a catalyst for good and be the glue of a team so that everyone performs at their best. I think this cannot be overstated. The ability of one person to change the environment of a team cannot be over-estimated.

Leadership. You can lead as effectively by supporting from behind as you can by taking the lead from the front. The most effective leaders are those who inspire through respect, being inclusive, and by example. You don't need the formal title to be a leader. You will draw the best lessons in leadership from those you lead, as I certainly have.

Act in solidarity. As women we do not and must not expect special treatment. We don't need favours, we simply expect fairness. We should speak up for anyone being bullied whether male or female and whenever



arguments. Respect for human beings, decency, and integrity should pervade every part of our life. Distorting the truth as lawyers is no less harmful than being dishonest with your children and your parents. A commitment to Sir Thomas Moore's guidance -not to lose your soul to win a point or an argument – is an important one.

Be guided by the evidence. It can be challenging to be fair and impartial when faced with horrific crimes and violations. As a prosecutor I have had occasion to withdraw charges because I did not believe I would be able to prove my case against the particular accused to the required standard. There is one school of thought that we should leave it to the judges to decide. I firmly subscribe to the principle, however, that I have a duty to be fair and impartial and where an objective review of the evidence compels a conclusion that there is no longer a reasonable prospect of conviction, the prosecutor must act and seek to withdraw the case. This principle guided me as a junior lawyer in East Timor when I withdrew serious cases in such circumstances, and it remains with me today. Indeed, I withdrew a case only days ago where the charges were child rape. Accordingly, detachment and objectivity and being guided by evidence and not by the emotive nature of the charges or profiles of intended suspects are essential when facing atrocity crimes or serious criminal allegations.

Take care of yourself. Dealing with some international cases alleging genocide or crimes against humanity – including crimes against children - can take their toll. Everyone will find their own coping mechanism. Having a united team can be vital to create a supportive environment. I also consider retaining balance in life more generally to be really



health, and friends - not in abstract terms - but as an anchor to stay grounded, focused, balanced and effective. I celebrate all the good people that my journey in the law has brought into my life. One such person is Manty Sesay who I will be introducing to the ATLAS group after this interview.

Find your mentors, role models and heroes: I absolutely agree with [Akila Radhakrishnan](#). Identify role models. These are people who will have a profound effect on the person you will go on to become. They may be your parents,; they are likely to be someone in your field of law. These are people who will impress you – not only by their knowledge and skill of the law, but by their passion for what they do, their habits, their integrity, their humility and their respect for humanity. These are people you will want to mimic in excellence in these important aspects. There are some women and men who have had a profound effect on me as an international criminal lawyer, not by dint of blood relations, marriage, or friendships but by reason of their *integrity*. In them I see that being distinguished and recognised lawyers of repute and being able to perform is directly linked to their being good human beings and people with a deep and abiding love of the law and all it stands for.

[Dato' Shyamala Alagendra](#)'s interview was edited by [Sareta Ashraph](#)



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